Then another Zamorin will be coming and he will be giving another Melpattam. For most of these tenures there will be three or four melpattams to be paid up. The tenants are being harassed one way or the other and there is no proportion for the amount to be paid to the income, nor to the land revenue or to the amount of Michavaram. Since there is no kanam amount, you cannot have any basis for assessing the renewal fee. The result is that some tenants have to pay three years verumpattam, sometimes less sometimes more. So to give a sort of fixity of tenure and also to regularise the relations between the londlord and the tenant in these particular areas, I have brought this Bill. I tabled an amendment when the Verumpattamdars Act was under the consideration of shis House. The Hon'ble Advocate General then stated that since such a tenure has not got all the incidents of a verumpattam tenure and since he wanted to bestow more consideration as to under which category such a tenure will come, he suggested that a separate Bill may be introduced by me if I deemed it necessary to bring in such a Bill. I have considered this aspect of the question and I find that such an Act is necessary. Hence the necessity for the same. It is therefore urged that the Hon'ble Government and the Hon'ble Members of this House will agree to the provisions of this Bill and accept the same.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ : A point of information, Sir, ഇതു വെറുംപാട്ടക്കാക്കും മറേറതു തരത്തിലുള്ള പാട്ടക്കാക്കും ബാധകമല്ലേ ?

മിസ്റ്റർ എം. ശിവരാമമേനോൻ : ഒരു വിഷമമുണ്ട്. റന്യുവൽ ഫീ കൊടുക്കേണ്ടതുണ്ടല്ലൊ. അതുകൊണ്ടാണ് ഏതു തരത്തിലാണെന്ന് തീർച്ചയാക്കാതെയിരിക്കുന്നതു്. കാണമൊ വെറുമ്പാട്ടമൊ ഏതാണെന്ന് തെളിവെടുക്കേണ്ടതുണ്ട്. ചിലപ്പോൾ കാണമൊ ചിലപ്പോൾ വെറുമ്പാട്ടമൊ ആകാം. പൊളിച്ചെഴുത്തവകാശം വാങ്ങിക്കുന്നതു ഓരോരുത്തൻ ഓരോ തരത്തിലാണ്. അതിനാൽ എന്തൊക്കെയാണെന്നു നോക്കിയല്ലാതെ ഒന്നും ചെയ്യാൻ നിവൃത്തി ഇല്ല. അടുത്ത കാലത്തു തൃശ്ശിവപേരൂരിൽ ഒരു ജഡ്ഡുമെൻറിൽ സ്ഥിരാവകാശം കൊടുത്തിട്ടുണ്ടെന്നു മിസ്റ്റർ ഇയ്യു പറഞ്ഞു. ഏതായാലും ഇതു സെലക്ട് കമ്മിറ്റിക്കയയ്ക്കണം.

So far as this Bill moved by the Hon'ble Member for Kunnamkulam is concerned Government are adopting the same attitude that they adopted once before when the same motion was brought forward by him but in a different form. Government are at one with the Hon'ble Member in thinking that the Customary Verumpattamdars also should be given permanency of tenure. To that extent Government are prepared to accept the principles of the Bill. As to how it should be done or whether they are really verumpattamdars or whether they are really Kanamdars can be determined only after an examination of several documents and taking evidence in the matter. Without such an examination it is not possible to commit one way or the other. That is the position. The materials placed before me by Mr. Iyyu do not enable me to come to a definite finding. In the Judgment which he handed over to me Defendants 1 and 2 were mere Verumpattamdars and they are entitled to fixity. The question any how has to be examined in greater detail. Government are prepared to accept the principle that fixity should be given to such classes of tenants as well.

Mr. C. V. Iyyu *(Kunnamkulam):* Sir, since the principle of the Bill has been accepted, I shall not continue my discussion any further.

Motion that the Bill be read in the Council put and carried

Secretary to the Council : The title of the Bill is the Cochin Customary Verumpattamdars Bill.

Mr. C. V. Iyyu *(Kunnamkulam):* Sir, I move that the Bill be referred to a Select Committee consisting of the Advocate-General, the Diwan Peishkar, Messrs. K. Narayana Menon, A. T. Kunjipali, K. Ashtamoorthi Nambudiripad and the Mover.

Mr. K. M. Ibrahim *(Cranganur):* I second it.

Motion put and carried

The Cochin Agriculturists Relief Act (Amendment) Bill—

(Mr. P. Kumaran Ezhuthassan)

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I move that the Cochin Agriculturists Relief Act Amendment Bill be read in Council.

Mr.. K. S. Panicker *(Ezhuvas-Mukundapuram) :* I second it.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Is it to be opposed, please ?

Mr. A. Madhava Prabhu *(Diwan Peishkar) :* Yes.

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Mr. P. Kumaran Ezhuthassann *(Vadakkancheri)*: Mr. President, I had every hope that this Bill will certainly not be opposed by the Government, but I am disappointed as in many other things even during the course of this meeting. Why I thought that the Government will not oppose it is that if they had taken pains to go through the objects and reasons and understood why I have thought it necessary to move this before this House, out of respect at least for the High Court whose pronouncements, according to the objects and reasons stated here, in one case affecting the salutory provision of the Act namely the provision for the general scaling down, and as a result of the other pronouncement with regard to the tenants, apart from the debtors, the scope of the relief granted by sections 16 and 17 had been dwindled down. In the case of the tenants, it was a case of dwindling down of what was given by the Act. In the case of debtors in general where sections 7 and 8 apart, it was a case of annihilating the boon that was given by the Act. That being the effect of these two pronouncements of the highest tribunal in the land unless this Legislature should come to the rescue of the tenants and debtors, their fate is doomed. And realising that, Sir, the moment the decisions were read by me, I began to work in the line, with the result that I had to scan all the decisions of the High Court and find out all pronouncements of the Hon'ble High Court upon the Agriculturists Relief Act, so that if I come forward to this House with an amending Act, it may cover all the amendments that are required to undo the harm done by any pronouncement of the highest tribunal in the land. It was while I was working in that way, Sir, that my Hon'ble friend the Member for Mukundapuram-Ezhuvas, based upon the decision in Cochin Law Journal 9 case, which affects the tenants in such a way as to dwindle down the relief, tabled an amendment which had reached a certain stage, I requested him and he was pleased to consider my request, not to press it, in as much as it affects only one case and because I am here with two other cases, but not reached the stage which the amendment of my hon'ble friend had. Therefore, he acceeded to that request. The amendment that was before the House referring to the decision in 9 Cochin Law Journal case is included here and something else is also added. There is no necessity for any argument, any discussion upon this subject. The statement of objects and reasons is sufficiently elaborate and clear. I expect the Government to go through the same line by line, word by wrrd, scanning these pronouncements of the highest tribunal in the State. There are arguments in that in support of my case. Certain portion of the judgment of one Hon'ble Judge who disagrees with the main judgment is in support of this and comments are made upon certain aspects of the provisions, the unhappy wording in certain places, then the presence of a certain provision in a particular section, on the basis of which they were forced to take the decision in 10 Cochin. If these reasons pointed out in the objects and reasons had been gone into and the two judgments studied with care, I am sure the Government which is now pleased to oppose this will be pleased to support. I will close, Sir, with one observation. This is an amendment that I seek to have. While the Cochin Agriculturists Relief Act was introduced here, the then Secretary to Government seemed to have made a few observations reported in the proceedings the gist of which will come to this: that relief is found absolutely necessary to give to the hard-hit agriculturists and debtors, a similar Act has been passed by the Provincial Government of Madras, we have taken the Madras Act as a model, but departed on a very salient matter—while the Madras Act affects the principal, here it has kept in view that the principal shall never be affected, whatever be the amount paid in the shape of interest, and principal has to be paid in full, and whatever be the interest, if there is an excess payment of interest worked out at 6 per cent or what ever rate is mentioned in the Act, the excess payment of interest will not also accrue towards the interest subsequent to 1115. These are the two points of cardinal deviation. That is what is contained in the observations made by the Hon'ble Secretary to Government then. So, Sir, excepting these two respects, naturally we could accept section after section with the necessary modifications necessary for the environments in which we are placed, we could accept a reproduction of the sections, and curious enough I was searching, I was not a member of this House then, therefore I went through the Act originally published—the criticisms received which had been circulated amongst the public, printed and published, then I went through whole of the deliberations of the Select Committee, I studied and scanned the Select Committee report, I wanted to find out what exactly the Government and the Selec- Committee or this whole Council had to say on the same clause on whose mischief 10 Cochin Law Journal case is based. I have to say that those who are not to be guided by argument and those who have determined to oppose, may not care to attend to what I have to say, but to this side of the House I would make an appeal so that our weight may be sufficiently strong to see that the decided opposition of the Treasury Benches may be broken.

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So I would appeal to the non-official Hon'ble friends of mine to follow the reasoning and see the hardship caused by these two decisions. In Section 24 of the Agriculturists Relief Act of Cochin, we find that a petition for scaling down of the debt can be put in either by a decree-holder or by the judgment-debtor, but a time-limit of 90 days from the passing of the Act is incorporated there. Something which is not in the Madras Act, something for the inclusion of which search wherever you like, you will find no reason—these are the basis where we have to search, the draft Bill, the objects and reasons, the Select Committee's stage, then the discussions—search wherever you like, no reason why this departure of including a clause within 90 days, you will not find.

Mr. Ephraim Ouseph *(Narakkal)*: Is it in the Madras Act?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: No. It is not in the Madras Act. Bu for this clause, the decision in 10 Cochin Law Journal would have been otherwise, and would not have worked the mischief that it has already worked. According to that decision in 10 Cochin Law Journal, unless a debtor goes into the Court and applies for having his decree scaled down under clause 7 of the Agriculturists Relief Act, the decree, as it stood, can be executed, will be executed and has been executed. In other words, Sir, by the inclusion of a provision as a clause in section 24 corresponding to section 19 of the Madras Act, that the scaling down petition should be put in within 90 days, because of that, unlike the Madras Act, the decision suggests that in all cases where scaling down petitions have not been put in by the judgment-debtor, relief under the Agriculturists Relief Act under section 7 cannot be had to them. To explain this, Sir, in spite of the Government's good intentions and actions, namely to publish Malayalam translations of the important provisions of the Act in the villages, instead of all that, many a debtor has not been able to apply for scaling down of the decrees within 90 days.

Mr. K. M. Ibrahim *(Cranganur)*: Without interruption, Sir, May I have an information. By this decision of the High Court, to which the Hon'ble Member was referring, cannot the judgment-debtor avail himself of the scaling down section when the execution is applied for.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: No. I will have to read some portions of the judgment to make this clear.

Mr. K. M. Ibrahim *(Cranganur)*: Thank you.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: To the very pertinent query of my Hon'ble Friend from Cranganore, I have to answer in the negative. That is, an agriculturist debtor if he has not applied for having his decrees scaled down within 90 days, from the 1st of Chingam 1115, when this decree holder applies for execution at any time after that, what is contained in the decree and the rate of interest, whether it is 60 per cent or cent per cent, whatever it be, the amount has to be paid in full, that is the result, that is the import, and that is decision, that is the point decided. The decision is clear. Of the arguments in support of that decision, as I have stated here, I may kindly be permitted to read this paragraph of the objects and reasons. The most important provisions of this most salutory Act are sections 7, 8 and 9 dealing with scaling down of debts due from Agriculturists debtors and sections 16 and 17 dealing with scaling down of pattam and michavaram due from agriculturists tenants. But the interpretation put upon the relevant sections of the Act by the Hon'ble High Court has practically nullified the Act in that according to these decisions many an agriculturist debtor and tenant is not enjoying the benefits of the Act. While the majority decision (Thomas Manjuran, J. dissenting) reported in Cochin L. J. Vol. IX page 247 whittles down the scope of the relief under section 16 very much to the detriment of the tenant, the decision in Cochin L. J. Vol. X page 243 removes many an agriculturist debtor from the benefits conferred on him by section 7 (the scaling down section). That decision in effect lays down that sections 24 and 25 appearing in Chapter IV "Procedure and Miscellaneous" control section 7 of the operative part of the Act. "The section appearing in a chapter, "Procedure and Miscellaneous" is decided by the Hon'ble High Court by a process of interpretation, which if I characterise in the manner in which I want to, may amount to contempt of court or something anywhere near that and so I will refrain from it. I am sorry for the comment there. Read it and you will find. This at any rate cannot have been in the mind of the Legislature when it enacted section 7". With regard to the main operative section in the Act, if that has not been in the minds of the Legislature when they passed the Act, the less said about such a Legislature the better. I am not going to condemn. "An argument is seen to be based on the fact that unlike the Madras Act, section 24 corresponding to section 19 of the Madras Act lays down a time limit for the application to scale down the decree. No special reason for this innovation in the Cochin Act is however seen to have been mentioned in the whole course of the legislation". I have chosen my words very carefully "that argument is seen

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to be based on the fact that unlike the Madras Act, section 24 lays down a time limit for the application to scale down the decree. No special reason for this innovation in the Cochin Act is however seen to have been mentioned in the whole course of legislation". I searched and searched vigilantly, searched, asked the advice of those persons who were in the Council at that time, they were not able to enlighten me. My search also did not produce any useful result and hence this statement. "The time limit of 60 days in section 25 of the Cochin Act does find a place in the corresponding section 20 of the Madras Act. The Madras High Court in the case reported in 1939 Madras Weekly Notes 521 interpreting sections 7, 19 and 20 of the Madras Act corresponding to sections 7, 24 and 25 of the Cochin Act has clearly laid down that the right of the debtor to apply under section 19 accrues *de die in diem*." Therefore section 19 of the Madras Act which refers to scaling down, corresponds to section 24 of the Cochin Act, which also refers to the scaling down and while a time-limit of 90 days is absent in the Madras Act, it is without any reason seen in the Cochin Act and the time-limit of 60 days mentioned in the next section, dealing with execution, vigorous execution, that is pending at that time, it is not seen in section 20 of the Madras Act, but seen in section 25, the corresponding section here. Now the argument follows. "The time-limit.....interpreting sections 7, 19 and 20 of the Madras Act corresponding to sections 7, 24 and 25." They are the relevent sections. It is this portion which I want the Hon'ble Members to bear in mind. ".....has already laid down that the right of the debtor to apply under section 19 accrues *de die in diem*"—that is from day to day. There is no time-limit. So long as the mischief of the decree is alive, so long as the engine of the Court is sought to be applied in execution of the decree, he has got the right to come to the Court and say: "Please scale down my debt according to the Agriculturists Relief Act". To proceed—"It has thus become necessary to delete from section 24 the portion fixing a time-limit for the application under section so that agriculturist debtors may get the full benefit of the Act under section 7," for which alone the Agriculturists Relief Act was passed in record time during the Budget Session, after meetings, exhaustive meetings, sittings running on to 5 o'clock, sitting at night, both the Treasury Benches and the Non-officials contributing their share and extending the period of the Budget Session, that is the record behind the Agriculturists Relief Act. That shows the sericusness of the sort of relief that is granted. I am not satisfied with that. There is no use of crying over it now. Even that is taken away by the mischief of this decision. I am here on very good authority and on that authority I am coming before this House with the request that this difficulty may be removed and the debtor may be given the help contemplated under the Act. I hope the Hon'ble Members, Non-official Members of this House, will be pleased to lend me their support for the very good reasons given in the objects and reasons of my Bill, which I do not feel necessary to elaborate. Therefore I leave it there, Sir. The objects and reasons are there; please read and please vote.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: സർ, ഞാൻ ഇതു സംബന്ധിച്ചു ഒരു ഭേദഗതി ഇവിടെ അവതരിപ്പിച്ചിരുന്നു. ഈ ബിൽ ഋണബാധിതരായ കർഷകരെ രക്ഷിക്കാനാണു്. അല്ലാതെ വെറുമൊരു ഫാഴ്സിനുവേണ്ടിയൊ മറെറാ കൊണ്ടുവന്നിട്ടുള്ളതല്ല. യഥാർത്ഥത്തിൽ വെറുപ്പാട്ടക്കാരെ രക്ഷിക്കേണ്ട ചുമതലയുണ്ടെന്നു ഗവൺമെണ്ടിനു ബോദ്ധ്യമായതുകൊണ്ടാണു് അതിനു പഠിപ്പാർത്തമായ നിലയിൽ സെക്ഷൻ ഫസ്റ്റ്-ൽ ഫ-നും ഫ ഏ-ൽ ഫ-നും ഇപ്രകാരമുള്ള ഒരു ഭേദഗതി കൊണ്ടുവന്നതു്. അതിനാൽ അതു ഗവൺമെണ്ടു് സ്വീകരിക്കേണ്ടതാണു്.

ഞാൻ ഒരു സംഗതിയെക്കുറിച്ചു പ്രത്യേകം പറയുന്നതു, പാട്ടമൊ മിച്ചവാരമൊ കൊടുക്കാനുള്ളതു മദ്ധ്യാദക്കാരായതുകൊണ്ടു് തല്ക്കാലം കൊടുക്കാനില്ലെങ്കിലും അതിനു ലക്ഷ്യം കൊടുത്തു; അതായതു, വസ്തു പണയമൊ അല്ലെങ്കിൽ പ്രോനോട്ടൊ എഴുതികൊടുത്തു. ആ ലക്ഷ്യം വ്യവഹാരം കൊടുക്കേണ്ടതായിവന്നപ്പോൾ സ്റ്റെയിൽഡെയ്ൻ ചെയ്യണമെന്നൊരു വാദം കൊണ്ടുവന്നു. തിരുവിതാംകൂർ മുൻസിഫ്കോടതി അതു പാട്ടബാക്കിക്കു എഴുതി കൊടുത്ത ലക്ഷ്യമായതുകൊണ്ടു് സ്റ്റെയിൽഡെയ്ൻ ചെയ്തതുപോലെ സ്റ്റെയിൽഡെയ്ൻ ചെയ്യേണ്ടതാണെന്നു ഒരു വിധിയുണ്ടായി. എന്നാൽ ഹൈക്കോട്ടിൽ അതിനു ഭിന്നാഭിപ്രായമുണ്ടായി. ഒരാൾ ഡിസെൻറുചെയ്ത രണ്ടു പേരുടെ ഭൂരിപക്ഷാഭിപ്രായത്തോടുകൂടി പാസ്സായി. യഥാർത്ഥത്തിൽ വേണ്ടതായതുകൊണ്ടാണു് ഞാൻഈ ഭേദഗതി കൊണ്ടുവന്നതു്. ഈ നിയമസഭ ഈ ഭേദഗതി സ്വീകരിക്കേണ്ടതാണു്. ഇതിൽ വല്ല മാറ്റവും വരുത്തേണ്ടതുണ്ടെങ്കിൽ അതു സെലക്ടു് കമ്മിറ്റിക്കയച്ചു ചെയ്യാവുന്നതാണു്. അതുകൊണ്ടു് ഇതു ഗവൺമെണ്ടും നിയമസഭയും സ്വീകരിക്കേണ്ടതാണെന്നു അപേക്ഷയോടുകൂടി ഞാൻ ഇതിനെ പിന്താങ്ങുന്നു.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. K. M. Ibrahim *(Cranganure):* With the kind leave of the Hon'ble President, Sir, will the Government be pleased to give us a verification of the the statement made here whether by the present ruling of the High Court in its present judgment, the old law by which an agriculturist could have availed himself of the provisions of scaling down section, at the time of the execution, irrespective of the fact whether application has been made before 90 days or not, whether that right has been taken away.

Mr. M. Sivarama Menon *(Advocate-General):* He must apply within 90 days.

Mr. K. M. Ibrahim *(Cranganur):* As a matter of fact, I know from experience, that the Courts used to allow it irrespective of the fact whether application has been made within 90 days or not.

Mr. A. Madhava Prabhu *(Diwan-Peishkar):* There was no law, there was only an impression before. Now the rule is there.

Mr. K. M. Ibrahim *(Cranganur):* The Courts were allowing this reduction at the time of execution even if the application was made at the time of execution.

Mr. M. Sivarama Menon *(Advocate-General):* This is the only occasion on which there was a ruling in the matter.

Mr. K. M. Ibrahim *(Cranganur):* That is my personal experience. I am not going to accept what the Diwan Peishkar says.

The Hon'ble Mover of this Bill has very ably put in a plea for supporting this Bill by this House. I myself was a member of the Select Committee that considered the Agriculturists Relief Bill and I remember that it was only as a compromise that this House has been pleased to give its vote for things which were far less than what was obtaining in similar legislations in our neghbourhood. The source of our law was, as the Hon'ble House will be pleased to recollect, the Madras Agricultural Relief Act and if the Hon'ble House will be pleased to recollect that very substantial and protective provisions in that Act have been taken away from our Act and this House fully knowing that it was much less than the Madras Act gave consent to the Bill thinking that something was better than nothing and since Government almost took a threatening attitude in the matter saying that even if the House was going to records its vote in a particular way the Royal Assent would not come. This declaration was made in advance and it was almost on the point of this threat that we were amenable to a compromise. My submission to the Hon'ble House is we have already detracted from ameliorative provisions contained in similar legislation in Madras which was the source of our inspiration for this law. Having done that now by this decision of the High Court it is a further curtailment of the protection which the public were thinking that they were getting under this Act. I mean to say even originally as this Bill evolved from this House it was much less than the Agriculturists Relief Act of Mradras.....

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Very much less. Very much less.

Mr. K. M. Ibrahim *(Cranganur):* Even in its third reading in this House it was very much less than what our neighbours were enjoying in the neighbouring province. By this decision of the High Court then this small quantum of protection is being curtailed. Even originally we were having only half and by such decisions still palpable pieces of protective legislation from our original Act is seized from the Statute Book. So I strongly appeal to this House to support this Bill unanimously.

Mr. K. T. Achyuthan *(Ezhuvas-Talappalli):* Sir, I also stand in support of the Bill. The only point I think that we are to be blamed is for being so late in bringing the amendment, because section 16 and 17 clearly states that some benefits are to be given to the tenants in Pattam and michavaram and when a pious tenant has entered into a new contract for the payment of pattam by pronote or other security he cannot be denied that right even though there is some sacrifice of sanctity of contract. When we are bringing all these things if the Government oppose this Bill I think it is not at all advisable to do so on the part of the Government. We have to see that the purpose is achieved. The Government may say that there is at present no depression, the people are in very good positions. That is not the point to be considered. At that time the tenants were in a very difficult position and the Government had given them some concessions and it is in the interests and actually to the good name of the Government that those rights are given to the people. Therefore, there cannot be any strong objection so far as sections 15 and 17 are concerned.

As regards section 24 when the Act says that it must be scaled down, because of the neglect of a particular judgment-debtor in not going to the court and putting in an application within 90 days if it is said that he cannot have and will not have that remedy it is really very

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serious. A person who incurred a debt after 1115, Thulam need pay only 6 per cent or 9 per cent interest as the case may be. But in this case because of the fact that he did not go to court within 90 days he has to pay more. That is a very inconsistent position. Taking every fact and circumstance into consideration I am strongly of opinion that these amendments are absolutely necessary and I strongly support this Bill.

Mr. A. Madhava Prabhu *(Diwan-Peishkar)*: Sir, I oppose the Bill. The reasons for the opposition are so far as the documents which take the place of the original debt are concerned is that the documents are of the nature of pronotes, mortgages, bonds and all that, and it is further stated in the Bill "whether these documents between the same parties or between third parties, or whether a third party executes the document in favour of another third party, this should apply". That is what is stated. Apart from the question of technicality which I do not propose to advert to, when documents of this type are taken in substitution of the original debt it is well known that, if not in all at least in the large majority of cases, they are taken as a matter of compromise by giving up certain amounts and by accepting smaller amounts, or by taking a security in the hope that where Rs. 1,000 is due if I get Rs. 100 I shall be satisfied if I get proper security. When this is the nature of the document—I think the majority of documents that we have to deal with will be like that.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Question.

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: You may question, but the fact remains. If such an amendment is made, the result will be that all the documents of that type irrespective of the fact whether any amount has been given up, irrespective of the solvency of the person who was pay to him the amount at that time, the security and all that, irrespective of all these aspects, if the Rs. 100 that I am to get for the Rs. 1,000 due to me, if that is further to be cut down to say half or one-third, it will be very hard. If the amendment had said "as between the same parties" and "for the same amounts" the matter would have been different. When the amount is the same, when the parties are the same, alright, apply the A. R. Act. There I can have no reason to object. But as it stands it cuts at the throat of many persons.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: If the document taken is for the full amount and between the same parties will you be pleased to accept it?

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: That is a different matter. We will take orders. I don't think there can be any objection. There is a possibility of our accepting that. That is with reference to the first part. As it is, it is not possible to accept the Amendment Bill.

Then with reference to the second portion. There is a reason for putting this 90 days and that is found in the section itself. In sections 16 and 17 it is stated that the arrears scaled down to half and two-thirds must be payable by the last day of Karkadagam of that year and in subsequent years. Therefore, a time limit has to be put upon this scaling down, that is, the amount has necessarily to be ascertained before the time for payment comes. The time for payment is fixed in the two sections 16 and 17 as before the 30th Karkadagam that year and at the end of every year. There was an object in fixing this time limit. It is for finding out what exactly the amount is. The earlier that is done the better. Therefore there was necessity to put that time limit. It is not as you like and when you like. The man must have sufficient time to find out what exactly is the amount due from him and to make arrangements for payment. Therefore, the time limit of 90 days was fixed.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: How is it that the Select Committee is silent about it.

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: Where is the necessity for a discussion on the matter?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Why is it absent in the Madras Act?

Mr. A. Madhava Prabhu *(Diwan Peishkar)*: Here is such a plain thing. There is no necessity to go to Madras. When you say that the amount should be paid on such and such dates should you not tell him what he should pay. Should you not give him time to make arrangements for the money. What is wrong in it? This legislature with all the intelligence which it should be deemed to possess, at that time seriously thought that such a provision was absolutely essential. I am only answering what is here.

For these reasons I oppose the motion.

Mr. K. M. Ibrahim *(Cranganur)*: You have spoken about pattam only. What about debts.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. A. Madhava Prabhu *(Diwan Peishkar):* Sections 16 and 17. Then turn to section 7. There it is stated you must pay on the Makaram 15th and Karkadagam 15th of that year.

Mr. K. M. Ibrahim *(Cranganur):* Why should you deny that right ?

Mr. A. Madhava Prabhu *(Diwan Peishkar):* There is no right. You are assuming that there is such a right.

Mr. K. M. Ibrahim *(Cranganur):* Wiping of interest.

Mr. A. Madhava Prabhu *(Diwan Peishkar):* That is so far as debts are concerned. Sections 16 and 17 of the Act is what is found in the amended Bill. That provision have nothing to do with debts. They deal with michavaram and pattam.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* When I was listening to the Hon'ble Revenue Member's reply I was feeling sorry, sir. Close association with land revenue records and things connected with land revenue methods, I am sorry, brought about changes not expected of him. And a surprise which was observed by me was that a matter connected with the amending of the law is not allowed to be handled by the Advocate-General. I expected a reply from him and my point is better gained that the reply came from the Hon'ble Revenue Member. In amendments of law, whatever be the feelings of the Government and however they may act it is our desire, our right to demand that it be handled by the Law Department, that we get information in the shape of reply or otherwise from the Advocate-General who is here for that purpose and for that purpose alone and also to make the number 12. I was surprised, sir, at the reply to the argument heard against sections 16 and 17, I thought, Sir, that with such copious wording of the objects and reasons for these two pieces of amendments and the Madras Law Journal case from where I quoted the phrase "dia de dium" I thought that the persons responsible for the reply of the Government would be pleased to read that judgment. If this is the result of reading of that judgment woe unto that day. I was asking for relief granted to the agiculturist tenant that was denied by the High Court decision and you are idle. You have not taken pains to read the judgment. If the Government had taken pains to read the Madras weekly notes replies like this would never have emanated. Respect your own High Court and the present Chief Justice. Mr. Justice Thomas Manjuran who adorns the High Court as its Chief Justice at page 253 says: "I regret inability to agree with the order proposed by my learned Colleague Justice Narayana Ayyar and agreed to.....". The very words show the feeling of the man who wrote them. Again "I do not for obvious reasons propose to go into the matter at any considerable details". Can you not think of these two words "obvious reasons". Again "By the execution of the pronote a new and different liability was substituted in lieu of the original liability and it is no longer open to the defendant to set up the plea that he is entitled to relief under section 16 on the original liability". That is the rationale of the decision here which whittles down the operation of sections 16 and17. What does Justice Thomas Manjuran say? "In my humble view this sentence contains far too wide an overstatement of the real position which none of the decisions depended upon by my learned colleague warrants and for which so far as I am able to gather no actual legal justification appears to exist". Sir. I shall leave it there. Sir, neither the 9 Cochin Law Journal Case nor 10 Cochin Law Journal Case, the two agencies which have done the mischief nor the 1941 Madras Weekly case mentioned in the objects and reasons seem to have been read. I am not going to argue and convince a wooden Treasury bench and I therefore request the Chair to put it to vote.

Motion put and carried

Mr. A. Madhava Prabhu *(Diwan Peishkar):* A poll, sir.

Ayes

1.	Messrs. C. K. Nayar	9.	Messrs. C. V. Iyyu
2.	P. Kumaran Ezhuthassan	10.	Thomas Karikkasseri
3.	K. Kunhirama Menon	11.	K. R. Achuthan
4.	M. Krishna Menon	12.	K. T. Achuthan
5.	Epraim Ouseph	13.	B. M. Peter
6.	Joseph Pettah	14.	P. P. Devassi
7.	K. S. Panickar	15.	P. K. Krishnan
8.	K. M. Ibrahim		

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Noes

1.	Messrs. Popatlal Govardhan Lalan	8.	Messrs. Rao Sahib M. M. Paul
2.	A. Madhava Prabhu	9.	S. Venkiteswaran
3.	Rama Varmha Tampuran	10.	Rao Sahib I. N. Menon
4.	Messrs. M. Sivarama Menon	11.	V. K. Aravindaksha Menon
5.	B. V. K. Menon	12.	Rao Sahib Dr. T. Verghese
6.	C. J. Mathew	13.	P. V. Raphael
7.	Khan Sahib Y. Mohammad Roshan Sahib Bahadur		

Mr. Deputy Pesident: 15 for and 13 against: The motion is carried.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I request the Chair to suspend S.O. 32 and that the Bill may be taken into consideration at once. Why I make the request to the Chair is that the mischief has been done and, it may be removed as early as possible.

Mr. Deputy President: It cannot be suspended.

Secretary to Legislative Council: The title of the Bill is The Cochin Agriculturists Relief Act (Amendment) Bill.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I move that this bill may be referred to a Select Committe consisting of the Diwan Peishkar, the Advocate-General, the mover, Mr. V. K. Bhaskara Menon, Mr. K. S. Panickar, Mr. P. P. Devassy and Mr. M. Krishna Menon.

Mr. C. K. Nayar *(Nemmara):* I second it.

Mr. Joseph Pettah *(Adur):* I propose the name of Mr. Thomas Karikkasseri also.

Mr. K. T. Achutan *(Ezhuvas-Talappalli):* I second it.

Mr. Deputy President : The question before the House is that the Cochin Agriculturists Relief Act (Amendment) Bill be referred to a select committee consisting of the Advocate-General the Diwan Peishkar, the mover, Mr. V. K. Bhaskara Menon, Mr. K. S. Panickar, Mr. P. P. Devassi Mr. M. Krishna Menon and Mr. Thomas Karikkasseri.

Motion put and carried

The House was adjourned sine die at 4-55 p.m.

N. S. RADHAKRISHNA SARMA
Secretary to the Council

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